

### REMARKS-General

The amended independent claim 14 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All claims 14-17 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

#### Response to Rejection of Claims 14-17 under 35USC103

The Examiner rejected claims 1-13 over Wang et al. (US 6,382,307) in view of Lee (US 6,619,381). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Wang et al which is qualified as prior art of the instant invention under 35USC102 are obvious in view of Lee at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

As alleged above, the differences between the invention as claimed in the instant invention and Wang's patent is that Wang's patent discloses the use of clips to lock up the heat dissipating fin sets 2 while the instant invention suggests the use of the engaging arms to spacedly lock up the heat dissipating members.

According to Wang's patent, the length of each clip must be precise to engage with the adjacent heat dissipating fin set. In other words, if the length of the clip is slightly shorter than a distance between the two adjacent heat dissipating fin sets, the clip cannot be engaged with the adjacent heat dissipating fin set. If the length of the clip is slightly longer than a distance between the two adjacent heat dissipating fin sets, the clip cannot be secured to the adjacent heat dissipating fin set to retain the distance between the two adjacent heat dissipating fin sets.

In fact, throughout the description and drawings of Wang's patent, there is **no description of clips** and there is even **no reference number appointing to the clips** in Wang's patent. The main objective of Wang's patent is to introduce the concept of providing a metal wire fitting into the slender holes to combine the heat dissipating fin set by heat melting. In order to achieve the main objective of Wang's patent, there is nothing to do with the clip. Therefore, Wang's patent does not suggest any relationship between the Y-shaped engaging arm and the heat dissipating member. In other words, it is a totally different conception between Wang's patent and the instant invention.

### **Unexpected Results**

The applicant respectfully submits that by engaging the Y-shaped engaging arm with another Y-shaped engaging arm to spacedly lock up two heat dissipating members, a distance between the two adjacent heat dissipating members can be self-adjusted. Regarding to claim 14, the distance between the two adjacent heat dissipating members is retained by contacting the circular edge of the guiding channel of the heat dissipating member with the heat dissipating surface of the adjacent heat dissipating member. Therefore, the minimum distance between two adjacent heat dissipating members is the length of the heat guiding channel. When the engaging head of the engaging member is folded to engage with the root portion of the adjacent engaging member, the engaging member generates a pulling force between the two heat dissipating members

until the two heat dissipating members are spacedly locked up with each other at the minimum distance. In other words, the engagement between two engaging members provides a clearance for the user to adjust the distance between two heat dissipating members. Therefore, the manufacturer does not require manufacturing the engaging arm precisely to perfectly match the length of the engaging arm with the length of the heat guiding channel so as to reduce the manufacturing cost of the instant invention, especially for mass production.

In addition, the Y-shaped engaging arm ensures the heat dissipating members being spacedly locked up with each other. The pulling force from the engaging arm will guarantee the heat dissipating members being locked up at the length of the heat dissipating channel when the engaging head of the engaging member is folded to engage with the root portion of the adjacent engaging member.

The applicant respectfully submits that the heat dissipating members are spacedly locked up with each other to prevent any unwanted movement of the heat dissipating member at all directions. When the circular edge of the guiding channel of the heat dissipating member is contacted with the heat dissipating surface of the adjacent heat dissipating member, the two heat dissipating members are spacedly locked up to prevent the unwanted movement towards each other. When the engaging member is folded to engage with the adjacent engaging member, the two heat dissipating members are spacedly locked up to prevent not only the unwanted movement against each other but also the unwanted lateral movement with respect to each other. In other words, the heat dissipating members are interlocked with each other by the heat dissipating channel and the engaging arm.

In fact, the heat dissipating channel must be contacted with the heat dissipating surface of the adjacent heat dissipating member for heat dissipation. Therefore, the engaging arm of the instant invention not only spacedly locks up the heat dissipating members but also ensures the contact between the heat guiding channel and the heat dissipating member for heat dissipation.

Accordingly, Wang fails to teach the use of clip for providing a clearance to self-adjust a distance between the heat dissipating members during engagement so as to spacedly lock up the heat dissipating member. Lee fails to teach the use of folding arm

to ensure the contact between the channel and the plate body because Lee is silent regarding any channel integrally protruded from the plate body.

### **Commercial Success**

Attached hereto is a Rule 132 Declaration by the inventor or assignee, Shi-Feng Shao, of the present application.

Shi-Feng SHAO currently makes and sells the heat dissipating arrangement embodying the subject matter of the '201 application's claim 14-17. This heat dissipating arrangement is sold under the company, Kunshan Anli Precise Metal CO., LTD in China and was introduced commercially throughout the United States and China. Recently, over 417,403 pieces and over total amount of USD 100017.36 of the heat dissipating arrangement containing the structure of the instant invention have been sold in stores.

The recently sale records are shown. Over 20,000 pieces and the amount of USD 10,000.00 of the instant invention were sold at September 25, 2006. Over 360,067 pieces and the amount of USD 71,906.25 the instant invention were sold at September 26, 2006. Over 47,627 pieces and the amount of USD 16,746.40 of the instant invention were sold at October 13, 2006.

The applicant believes that, an important reason for the commercial success of the heat dissipating arrangement is its superior engaging characteristics, which has been expressed in claims 14-17 of the '201 application. The applicant respectfully submits that no other commercially available heat dissipating member has ever achieved such standout characteristics.

The Rule 132 Declaration sets forth in detail evidence of the commercial success, which is a heat dissipating arrangement embodying claims 14-17 made and sold by the Kunshan Anli Precise Metal CO., LTD, the assignee of the present application. Based on this evidence, which both rebuts the *prima facie* of obviousness and establishes an important secondary factor of non-obviousness, namely commercial

success, the Examiner is requested to reconsider and withdraw the obviousness rejection made against claims 14-17.

Practically speaking, the instant invention as claimed in the amended claims 14 to 17 contains structural features different to each of the cited arts. The instant invention is already successfully marketed in the United States and China. The volume of sale substantially proves that hundred and thousand of consumers satisfy with the structural features of the instant invention. Regardless of the structural features different from the cited arts is distinctive or obvious, if the instant invention fails to obtain a patent with claims for limited protection, everybody in this industry (including the applicants of the cited arts) can simply copy the structural features of the instant invention without the need of investing any research and development cost but to compete with the applicant in lower product cost in the applicant's market. It is not only an unfair competition but also violates the spirit of encouraging invention and technology development of the patent law. Accordingly, a secondary factor of commercial success for non-obviousness is established and the Examiner is requested to reconsider and withdraw the obviousness rejection made against claims 14-17.

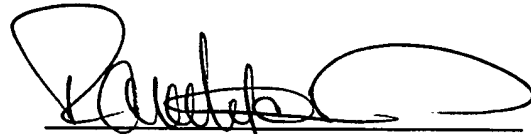
### **The Cited but Non-Applied References**

The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 14 to 17 at an early date is solicited.

Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

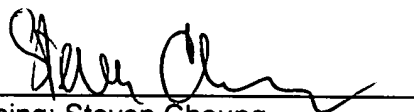


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#### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 10/26/2006

Signature:   
Person Signing: Steven Cheung